

Written Report Requirements for Delinquency Foster Care Cases (Assembly Bills 575 and 1696)

Revised January 1, 2002

I. Detention Report for Children at Risk of Entering Foster Care

*Timing: A detention report must be filed at the detention hearing if the probation officer believes that the child is at risk of entering foster care (§ 635).**

For any child at risk of entering foster care, as defined by sections 727.4(d)(2) and 11402, the written detention report must include:

1. The reasons for removal from parents or guardians;
2. Any prior referrals for abuse or neglect, or dependency (§ 300) actions regarding the child;
3. The need, if any, for continued detention;
4. The available services to facilitate the child's return home to the child's parents or guardians;
5. The availability of relatives who are able and willing to provide effective care and control of the child;
6. Documentation that continuance in the home is contrary to the child's welfare; and
7. Documentation that reasonable efforts were made to prevent or eliminate the need for removal of the child from home and the nature and results of the services provided (§§ 635, 636(c)).

II. Case Plan

Timing: When a child is detained following a court finding that "continuance in the home is contrary to the child's welfare" a case plan must be prepared within 30 calendar days of the initial removal or by the date of the dispositional hearing, whichever occurs first (§§ 636.1(a), 706.5(a)).

A. If the probation officer (PO) believes that reasonable efforts by the child, his or her parent or legal guardian, and the PO will enable the child to safely return home, the case plan must focus on the issues and activities associated with those efforts, including identifying:

1. Strengths and needs of the child and his or her family, and
2. Services that will be provided to the child and family that will reduce or eliminate the need for placement and will make it possible for the child to safely return home (§ 636.1(b)).

B. If, based on the information available, the PO believes that foster care placement is the most appropriate disposition, the case plan must be submitted to the court as part of or an attachment to the social study and must include but not be limited to all the information below (§§ 636.1(c), 706.6).

1. A description of the circumstances surrounding removal and placement in foster care.
2. An assessment of the child's needs and the type of placement best equipped to meet them.
3. A description of the placement, including a discussion about the safety and appropriateness of the placement.
4. Concurrent planning activities—specific time-limited goals and related activities designed to enable the safe return of the child to his or her home or if that is not possible, activities designed to result in permanent placement or emancipation. Specific responsibility for carrying out the planned activities shall be assigned to one or more of the following: the probation department, the child's parents or guardians, the child, and /or the foster parents or licensed agency providing foster care.
5. The projected date of completion of the case plan objectives and the date on which services will be terminated.
6. Scheduled visits between the child and his or her family and an explanation if no visits are made.
7. For placements at a substantial distance from home or out-of-state placements: the reasons why the placement is the most appropriate and in the best interest of the child (see *Out-of-State Placement* chart for additional case plan requirements for out-of-state placements pursuant to section 727.1 and Family Code section 7911.1).
8. A description of efforts to place siblings together, unless placement together is not in the best interest of one or more siblings.
9. A schedule of visits between the child and the probation officer, including a monthly visitation schedule for those children placed in group homes.
10. Health and education information, including:
 - School records, names and addresses of educational providers, the child's grade level performance, and assurances that the child's placement in foster care takes into account proximity to the school in which the child was enrolled at the time of placement;
 - Immunizations, known medical problems and any known medications, and names and addresses of health providers; and
 - Other relevant health and educational information.

*All citations in this chart are to the California Welfare and Institutions Code unless otherwise indicated.

<p>11. A description of services to assist in reunification and services to be provided concurrently to achieve legal permanency if efforts to reunify fail.</p> <p>12. For a child age 16 or older, a description of the services to be provided to help that child in making the transition from foster care to independent living.</p> <p>13. A statement that the parent or legal guardian and the child have had an opportunity to participate in the development of the case plan, to review it, sign it, and receive copies of it, or an explanation about why the parent or legal guardian and the child were not able to participate or sign the plan (§ 706).</p> <p>C. If placement in foster care is not recommended by the PO prior to disposition, but the court orders foster care placement, the court shall order the PO to prepare and file a case plan within 30 days of the placement order. The plan must include the information in section B, above (§ 706.5(b)).</p> <p>D. Parents, legal guardians, and the child shall have an opportunity to participate in the development of the case plan, to review and sign it whenever possible, and to receive a copy of the plan (§ 706.6(n)).</p>
<p>III. Case Plan Update</p> <p><i>Timing: An updated case plan must be filed at least 10 days prior to each status review and permanency planning hearing. (§§ 727.4(b), 706.5(c) & (d))</i></p> <p>A. Each updated case plan must include:</p> <ol style="list-style-type: none"> 1. All of the information in the initial case plan, as described in section II.B, above (§ 706.6); 2. A description of the services that have been provided to the minor under the plan that has been in effect (§ 706.6(m)); and 3. An evaluation of the appropriateness and effectiveness of those services (§ 706.6(m)). <p>B. The updated case plan prepared for a permanency planning hearing must also include a recommendation for a permanent plan for the child.</p> <ol style="list-style-type: none"> 1. The PO must consider all of the following permanent plans and recommend one to the court: reunification, adoptive placement, guardianship, permanent placement with a fit and willing relative, or another planned permanent living arrangement (§ 706.6(l)). 2. If the PO recommends placement in a planned permanent living arrangement, the PO must document a compelling reason why termination of parental rights is not in the minor's best interest. The compelling reasons are listed in § 727.3 and on the <i>Delinquency Foster Care Requirements</i> chart. (§ 706.6(l)).
<p>IV. Social Study</p> <p><i>Timing: A social study must be prepared and filed prior to the disposition hearing (§ 706) and at least 10 days prior to each status review hearing and permanency hearing (§ 727.4(b)).</i></p> <p>A. At each disposition hearing where placement in foster care is recommended by the PO, or where the child is already in placement, or is pending placement, the social study report shall include a case plan as described in Section II. B, above (§ 706.5(a)).</p> <p>B. At each status review hearing and permanency hearing, the social study shall include the following information:</p> <ol style="list-style-type: none"> 1. An updated case plan as specified in section 706.6; 2. A discussion about the continuing necessity for and appropriateness of the placement; 3. The extent of the Probation Department's compliance with the case plan in making reasonable efforts to safely return the child home, or to complete whatever steps are necessary to finalize the child's permanent plan; 4. The extent of progress that has been made by the child, and by the parent or guardian toward alleviating or mitigating the causes necessitating placement in foster care; 5. A likely date by which the child will be returned to and safely maintained in the home or another permanent plan will be selected; and 6. Information about whether the child has been or will be referred to educational services, including special education; whether the parent or guardian's educational rights have been limited by the court; and comments from the appropriate local education agency (§ 706.5(c)). <p>C. At each permanency hearing, the social study must also include a recommended permanent plan for the child (§ 706.5(d)).</p>
<p>V. Adoption Assessment Report</p> <p><i>Timing: A adoption assessment report must be filed at least 10 days prior to any hearing held pursuant to section 727.31 (§§ 727.31(b), 366.26 (b)).</i></p> <p>A. Who prepares the assessment?</p> <p>The licensed county adoption agency or the state Department of Social Services, if it is acting as the adoption agency in that county, prepares the assessment, with input from the Probation Department (§ 727.31(b)).</p> <p>B. What must the assessment include?</p> <p>There are many requirements. See section 727.31(b).</p>